

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-4 and 6-14 are pending in this application. Claims 1 and 9, which are independent, are hereby amended. Claim 5 has been canceled without prejudice or disclaimer of subject matter. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification, specifically at page 10, first paragraph. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicant is entitled.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-4 and 6-14 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,945,987 to Dunn (hereinafter merely "Dunn") in view of U.S. Patent No. 6,134,547 to Huxley, et al. (hereinafter merely "Huxley") and further in view of U.S. Publication No. 2001/0056478 to Wheeler, et al. (hereinafter merely "Wheeler").

Claim 1 recites, *inter alia*:

“...wherein said user server is configured to receive from the data server only program retrieval identification codes, and

wherein only a select number of program retrieval identification codes are received, each of the program retrieval identification codes related to said at least one content keyword as a result of the searching by the data server.” (emphasis added)

A. Claim 1 is Patentable for At Least Two Reasons

Applicant submits that nothing has been found in Dunn, Huxley, or Wheeler, taken alone or in combination, that would teach or suggest the above-identified feature of claim

1. Specifically, Applicant submits that Dunn, Huxley, and Wheeler fail to teach or suggest:

1). that the user server is configured to receive only program retrieval identification codes from the data server, and

2.) that only a select number of program retrieval identification codes are received, each of the program retrieval identification codes related to said at least one content keyword as a result of the searching by the data server, as recited in claim 1.

Applicant submits that the pending Office Action fails to address the above-recited limitations.

B. Discussion of Patentability

Generally, the above-recited feature of claim 1 relates to minimizing the amount of data to be communicated from a data server.

The Office Action concedes that Huxley does not teach the above-identified features and instead relies on Dunn as a basis of rejection for the above-identified feature.

As understood by Applicant, Dunn relates to interactive entertainment with a video-on-demand application which enable viewers to select criteria for grouping various video content programs into manageable sets for convenient review.

Cited portions of Dunn, specifically column 3, lines 19-33, disclose that a search finds the program data records of the criteria-satisfying programs. Program data records, including the program IDs and monikers and the trailer IDs and monikers are transferred. The set of preview video trailers are also transferred in sequential order for display on the viewer's television set.

Such disclosure does not render claim 1 unpatentable. This disclosure of Dunn, as summarized in the Office Action, teaches that the broadcast information includes at least one program retrieval identification code AND other information. Receiving and Storing the "Other Information" is not consistent with the purpose or the above-identified feature of claim 1. Indeed, claim 1 specifically recites that only a select number of program retrieval identification codes are received, each of the program retrieval identification codes related to said at least one content keyword as a result of the searching by the data server.

Therefore, Applicant respectfully submits that the Office Action has failed to provide a *prima facie* basis for rejecting claim 1. Applicant submits that the rejection is improper and respectfully requests the rejection be withdrawn.

Therefore independent claim 1 is patentable.

For reason similar to those above, claim 9 is also patentable.

IV. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments.

CONCLUSION

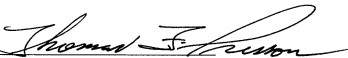
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any
overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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